

Missouri Revised Statutes  
**Chapter 263**  
**Insect Pests and Weeds**  
**Section 263.255**

August 28, 2004

**County election on enforcement of Johnson grass control law, notice, ballot, effect.**

263.255. 1. Upon the petition of one hundred landowners in any county the county commission shall declare that a threat exists to the agricultural economy of the county by reason of the growth and infestation of a species of grass, *Sorghum halepense*, commonly known as "Johnson grass". After such declaration there shall be submitted to the qualified voters of the county at the next general election or a special election called for that purpose, the question of enforcing the provisions of sections 263.255 to 263.267. The commission shall give notice of the election by publication in a newspaper published in the county for three weeks consecutively, the last insert of which shall be at least ten days before the day of the election. There shall be written or printed on each ballot voted at said election the following: "For Enforcing the Law Controlling and Eradicating Johnson Grass"--"Against Enforcing the Law Controlling and Eradicating Johnson Grass". At any such election, the voting, making returns thereof, and casting up the result shall be governed in all respects by the laws applicable to general elections for state and county purposes.

2. If a majority of the votes cast at the election are in favor of enforcing the law controlling and eradicating Johnson grass, the clerk of the county commission shall enter upon the county commission's records the result of the election and within ten days after the election, shall notify the state director of agriculture of the result of the election. If a majority of the votes cast at the election are not in favor of enforcing such law, the question shall not be resubmitted for at least two years after the election.

(L. 1957 p. 9 §§ 1, 2)

**Director of agriculture to exterminate Johnson grass, when--county weed control board, appointment, expenses.**

263.257. 1. The state director of agriculture shall within thirty days after receipt of the notice from the clerk of the county commission as provided in subsection 2 of section 263.255 declare such county a "Johnson Grass Extermination Area" and the director of agriculture shall cause suitable notice to be published in a newspaper in the county for three consecutive weeks. The notice shall contain, among other things, that the county has been declared a Johnson grass extermination area and that all property owners in the county shall, not later than April thirtieth of the subsequent year, take steps toward controlling and eradicating Johnson grass on all lands owned by them or under their control.

2. The state director of agriculture shall within ten days after receipt of the notice provided in subsection 1 appoint a three-man county weed control board, composed of citizens of the county, to serve as advisers and to assist in the administration of sections 263.255 to 263.267, and to perform such other duties as prescribed by the director of agriculture. Members of the board shall receive no salary but shall be fairly reimbursed by the county commission for necessary expenses incurred in performance of their duties.

(L. 1957 p. 9 §§ 3, 4)

**Duties of state director of agriculture--inspection by county weed control board.**

263.259. 1. The state director of agriculture shall have the following duties:

(1) He shall supervise the control and eradication of Johnson grass;

(2) He shall inspect lands and places for compliance with the provisions of sections 263.255 to 263.267;

(3) He shall inform himself of the origin, nature and appearance of Johnson grass and the manner in which it is disseminated and shall follow recommendations of the Missouri college of agriculture as to the best and approved method to control, eradicate and prevent the dissemination of Johnson grass;

(4) He shall cooperate with and have authority to enter into cooperative agreements with state and federal agencies and departments for the furtherance of the control and eradication of Johnson grass. The state director shall make all rules and regulations for carrying out the provisions and requirements of sections 263.255 to 263.267.

2. The county weed control board under the supervision of the director of agriculture shall inspect or cause to be inspected all lands of the county between the dates of August fifteenth and October thirty-first of each year during which the county is classed as a Johnson grass extermination area. The director or his designated representative, as well as the county weed control board or the designated representative of the board shall have the right of ingress or egress upon all lands in the county in making an inspection or performing any other duties imposed by sections 263.255 to 263.267. All failures to comply with the provisions of sections 263.255 to 263.267 shall be reported to the prosecuting attorney of the county and it shall be his duty to prosecute all violations of sections 263.255 to 263.267 in the manner provided in section 263.262.

(L. 1957 p. 9 §§ 6, 8, A.L. 1959 H.B. 486)

#### **Duties of public utilities and government agencies as to Johnson grass.**

263.261. It shall be the duty of public utilities, the state transportation department, the county commission, railroads, drainage districts, township boards, special road districts and other public and quasi-public corporations and every land owner in Johnson grass extermination areas:

(1) To control and eradicate Johnson grass and to prevent its regrowth and reinfestation on all lands, rights-of-way and easements owned, occupied or controlled by them;

(2) To employ methods of control and eradication and for the prevention of the regrowth and reinfestation of Johnson grass as directed by the director of agriculture of the county weed control board;

(3) To comply with all orders, rules and regulations promulgated by the director of agriculture pursuant to the provisions of sections 263.255 to 263.267.

(L. 1957 p. 9 § 11)

#### **Johnson grass declared nuisance, where--abatement.**

263.262. The existence or growth of Johnson grass in an electing county is hereby declared to be a public and common nuisance and the prosecuting attorney for each county shall have the duty to bring an action in the circuit court of the county to enjoin such nuisance. The action shall be in the name of the state of Missouri and shall be tried as a suit in equity before the court, and shall be against all persons permitting or maintaining such nuisance. The complaint in said action shall recite that thirty days' advance notice of the action has been served upon the defendants thereto, and that said defendants have taken no suitable action to comply with the provisions of the law prior to the filing of the complaint. Any landowner whose land is adjacent to or within one hundred feet of land on which such nuisance is permitted or maintained and who is undertaking a Johnson grass control program may bring a civil action for injunction against any person permitting or maintaining such nuisance and shall, in addition to injunctive relief, be entitled to recover as a penalty the sum of five hundred dollars as well as a reasonable attorney fee and any actual damages sustained as a result of such nuisance.

(L. 1957 p. 9 § 12, A.L. 1977 H.B. 297)

**Sections 263.261 and 263.262 effective, when.**

263.263. The provisions of sections 263.261 and 263.262 shall take effect and be in full force on April thirtieth of the subsequent year as required in subsection 1 of section 263.257.

(L. 1957 p. 9 § 10, A.L. 1959 H.B. 486)

**Tax for control of Johnson grass--state transportation department to pay costs.**

263.265. The county commission, township board and special road district of any county declared a Johnson grass extermination area, in addition to any and all taxing powers which it may possess shall be authorized to levy upon all property subject to its authority a tax in an amount not to exceed five cents on each one hundred dollars assessed valuation, for the purpose of paying the expenses of the county weed control board or the agent of the board in making the inspection required under the provisions of section 263.259, and for the expense of controlling and eradicating Johnson grass on county roads and rights-of-way, provided that not more than twenty-five percent of the taxes so levied and collected shall be used for administrative purposes. The cost of control and eradication of Johnson grass on all lands and highways owned or supervised by the state transportation department shall be paid by the transportation department out of funds appropriated for its use.

(L. 1957 p. 9 § 7, A.L. 1959 H.B. 486)

**Approved eradication methods to be followed.**

263.266. It shall be the duty of public utilities, the state transportation department, the county commission, railroads, drainage districts, township boards, special road districts and other public and quasi-public corporations to follow recommendations of the Missouri college of agriculture as to the best and approved method to control, eradicate and prevent the dissemination of Johnson grass.

(L. 1957 p. 9 § 5)

**County's classification as Johnson grass extermination area terminated, how.**

263.267. Classification of a county as a Johnson grass extermination area shall be terminated by an order of the county commission of such county and an election conducted in the manner and form prescribed for classifying such county as a Johnson grass extermination area. Elections covered under this section may not be presented to the qualified voters more often than once every two years.

(L. 1957 p. 9 § 9, A.L. 1977 H.B. 297)